

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

LAQULIA S. HILL-COLLINS

v.

**TEXAS HEALTH AND HUMAN
SERVICES COMMISSION**

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CASE NO. 6:18-CV-491

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this matter has been presented for consideration. The Report and Recommendation recommends that the complaint be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). Plaintiff filed written objections to the Report and Recommendation on September 21, 2018 (Docket No.5).

In her complaint, Plaintiff, proceeding *pro se* and seeking to proceed *in forma pauperis*, asserts a Title VII claim against Texas Health and Human Services Commission. *See* Docket No 1. Plaintiff alleges that she was subjected to a hostile work environment and retaliation following a computer breach that caused her personal bank information to be stolen by co-workers. *Id.* at 3. She states that she left her job in 2017 due to the hostile work environment. *Id.*

This lawsuit is duplicative of the facts and claims asserted by Plaintiff in a pending lawsuit—*Hill-Collins v. Texas Health and Human Services Commission*, Civil Action No.

6:18-cv-353 (Docket No. 1). Pursuant to 28 U.S.C. § 1915(e)(2)(B), an action may be dismissed if it is frivolous or malicious. The repetitious filing of litigation with virtually identical causes of action is subject to dismissal as malicious. *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988). The court may consider the filing of an *in forma pauperis* complaint that merely repeats pending or previously litigated claims to be abusive and dismiss the action pursuant to the *in forma pauperis* statute. *Id.*

In her written objections, Plaintiff asserts that she applies for jobs and does not receive an interview. Docket No. 5 at 1–2. Plaintiff asserts that this keeps happening and is a continuing problem. *Id.*

Having made a *de novo* review of the written objections filed by Plaintiff in response to the Report and Recommendation, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. Plaintiff's objections do not show that this lawsuit is not repetitive of the previously filed and currently pending lawsuit. Plaintiff is attempting to pursue a duplicative lawsuit and the complaint should be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). It is therefore

ORDERED that the Report and Recommendation (Doc. No. 5) is **ADOPTED**. The complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B).

So ORDERED and SIGNED this 26th day of November, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE